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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 SONDRA ELLIS, an individual,
11 Plaintiff,

12 vs.

13 MERCURY CASUALTY COMPANY, a foreign
business entity; DOES I through XX, inclusive; and
14 ROE CORPORATIONS I through XX, inclusive,
15 Defendants.

Case No. 2:18-cv-01021-GMN-CWH

**AMENDED
STIPULATION AND ORDER FOR
REMAND TO STATE COURT**

16
17 Plaintiff, SONDRA ELLIS, by and through her undersigned counsel of record, Steven Baker,
18 Esq., of the law firm of Bertoldo Baker Carter & Smith, and Defendant MERCURY CASUALTY
19 COMPANY, by and through its undersigned counsel of record, John H. Podesta, Esq., and
20 Christopher D. Phipps, Esq., of the law firm Wilson Elser Moskowitz Edelman & Dicker, LLP,
21 hereby stipulate and agree as follows:

22 *(This Amended Stipulation and Order corrects mistaken accident dates from the original.)*

23 WHEREAS Plaintiff was involved in an April 21, 2014, motor vehicle accident, which has
24 led to the filing of the Complaint in the instant action;

25 WHEREAS Plaintiff was involved in a subsequent motor vehicle accident on March 25, 2015,
26 for which Defendant is still in the process of adjusting Plaintiff's claim and for which no action has
27 been filed or is pending in any court;
28

1 WHEREAS the instant action had been removed to the United States District Court based
2 upon diversity jurisdiction pursuant to 28 U.S.C. section 1441(a), et seq.;

3 IT IS HEREBY STIPULATED AND AGREED THAT the Plaintiff's claims arising out of
4 the Complaint on file herein pertaining to the April 21, 2014, motor vehicle collision will not exceed
5 \$75,000.00 (Seventy-Five Thousand Dollars), and that Plaintiff agrees to limit recovery to that
6 amount;

7 IT IS HEREBY FURTHER STIPULATED AND AGREED THAT the instant action be
8 remanded back to the Eighth Judicial District Court in and for Clark County, State of Nevada, for
9 all further proceedings; and

10 IT IS HEREBY FURTHER STIPULATED AND AGREED THAT in the event an action is
11 ultimately filed with respect to the subsequent motor vehicle accident, each side reserves all rights
12 and defenses relative to the subsequent motor vehicle accident, including the right to seek removal
13 and consolidation of the cases involving uninsured motorist benefits under defendant's policy for
14 the two motor vehicle accidents.

15 Respectfully Submitted,

16 DATED this 3rd day of January, 2019.

17 WILSON ELSE MOSKOWITZ
18 EDELMAN & DICKER LLP

19 /s/ Christopher D. Phipps
JOHN H. PODESTA, ESQ.
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24 Benjamin J. Carman, Esq.
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2400 W. Horizon Ridge Pkwy.
26 Henderson, NV 89052
27 *Attorneys for Defendant Mercury Casualty
Company*

DATED this 3rd day of January, 2019.

BERTOLDO BAKER CARTER & SMITH

19 /s/ Steven Baker, Esq.
STEVEN M. BAKER, ESQ.
Nevada Bar No. 4522
7408 w. Sahara Avenue
Las Vegas, Nevada 89117
20 *Attorneys for Plaintiff*

AMENDED ORDER

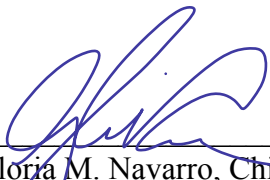
The Court having considered the Amended Stipulation of the parties and for good cause there appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED the Plaintiff's claims arising out of the Complaint on file herein pertaining to the April 21, 2014, motor vehicle collision may not exceed \$75,000.00 (Seventy-Five Thousand Dollars);

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED, that the instant action is matter be remanded to the Eighth Judicial District Court in and for Clark County, State of Nevada, for all further proceedings; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that should an action be filed by Plaintiff related to the subsequent motor vehicle accident, both parties have reserved all rights and defenses relative to the subsequent motor vehicle accident, including the right to seek removal and consolidation of the cases involving the two motor vehicle accidents

DATED this 9 day of January, 2019.



Gloria M. Navarro, Chief Judge
United States District Court